

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Antonio Davis,)	Civil Action No.: 0:15-848-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
)	
State of South Carolina; Solicitor John)	
Mark Shiflet; Solicitor Kristen Danielle)	
Smith; and Solicitor Jenny Desch,)	
)	
Defendants.)	

On February 26, 2015, the Clerk of Court entered Plaintiff Antonio Davis's 42 U.S.C. § 1983 action. (ECF No. 1). Plaintiff is proceeding *pro se* and *in forma pauperis*. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(f) D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for review pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A . On March 3, 2015, the Magistrate Judge prepared a thorough Report and Recommendation, (Report), recommending that this action be summarily dismissed without prejudice and without issuance and service of process. (ECF No. 7). Plaintiff failed to file any Objections to the Report. The matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28

U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 7), and finding no clear error in the Report, the Court adopts and incorporates it herein by reference. Accordingly, Plaintiff’s Complaint is hereby **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 15th day of June, 2015, in Columbia, South Carolina.

s/ Mary G. Lewis
MARY G. LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.